

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

16 Cr. 521 (CM)

- against - :

Notice of Motion


DWAINE COLLYMORE, :

Defendant. :

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PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, defendant DWAINE COLLYMORE hereby moves this Court, the Hon. Colleen McMahon, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order:

- a. Pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure and *United States v. Wade*, 388 U.S. 218 (1967), suppressing out-of-court “photo array” identification evidence obtained in violation of the defendant’s Constitutional rights and precluding an in-court identification of the defendant by any witness(es) who viewed the photo array, or in the alternative, for a hearing to determine the admissibility of such evidence; and
- b. Permitting defense counsel to supplement the instant *Wade* motion and/or to make any additional motions that may become necessary upon further disclosures from the government.

Dated: New York, New York  
July 7, 2017

  
JEREMY SCHNEIDER  
DAVID STERN  
Rothman, Schneider,  
Soloway & Stern, LLP  
100 Lafayette Street, Ste. 501  
New York, New York 10013  
(212) 571-5500

TO: CLERK OF THE COURT  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

HON. COLLEEN MCMAHON  
United States District Court  
Southern District of New York  
500 Foley Square  
New York, New York 10007

HAGAN SCOTTEN, ESQ.  
JARED P. LENOW, ESQ.  
Assistant United States Attorneys  
Southern District of New York  
One St. Andrews Plaza  
New York, New York 10007